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American Samoa

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I. General

1. American Samoa[1] is a Non-Self-Governing Territory administered by the United States of America under the Department of the Interior, which has a representative resident on the ground. The Territory is located in the South Pacific approximately 3,700 kilometres south-west of Hawaii and 4,350 kilometres north-east of Australia. It consists of seven islands, namely Tutuila, Aunuu, Ofu, Olosega and Tau, known as the Manu'a Islands, and Swains and Rose, two coral atolls, as well as several lesser islands. The total land area is 197 square kilometres, about 70 per cent of which is covered by dense forest. Tutuila, where Pago Pago, the capital, is located, is the largest island; it constitutes 70 per cent of the total land area and is home to 99 per cent of the population.[2,3]

2. For 2006, the population of American Samoa was estimated to be just under 57,800 persons (64,100 reported for 2004), with a median age of 23 (21 reported for 2004) and an estimated sex ratio of 1.06 males per female (1.05 per female reported for 2004). The estimated net migration rate is -21.11 per thousand population (-20.71 reported for 2004).[4] As previously reported, some 70,000 Samoans live outside the Territory.

3. Ethnically, the population is 89 per cent Samoan/Polynesian. Congregationalist Protestant denominations are practiced by 80 per cent of the people, and some 20 per cent are Roman Catholic. Most American Samoans are bilingual, speaking the native Polynesian tongue and English.

II. Constitutional, legal and political issues

4. It is generally believed that the Samoan archipelago was settled some 3,000 years ago by people migrating into the Pacific from South-East Asia. The Dutch were the first Europeans to find these islands, in 1722. Some settlers came to the islands in the early 1800s, followed by missionaries in 1830. By the late 1800s, internal strife among the chiefs and struggles among the colonial Powers of Germany, Great Britain and the United States of America led to a period of instability. Deeds of cession of these islands to the United States were formally accepted by means of an Act of Congress on 20 February 1929. Pursuant to that Act, the native inhabitants were given the status of American nationals. The Act provided for an American Samoan Government with all civil, judicial and military powers to be vested in a designee of the President of the United States. As the American interest in the area had been mainly military, the Territory was placed under the jurisdiction of the United States Navy. In 1951, the United States President Executive Order 10264 transferred administrative responsibility for the Territory to the Department of the Interior.

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[1] The information contained in the present working paper has been derived from published sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations.

[2] Information transmitted by the administering Power, 8 January 2007.

[3] http://www.esa.int.

[4] https://www.cia.gov/cia/publications/factbook.

5. American Samoa is an "unincorporated and unorganized" Territory under United States law. Not all provisions of the United States Constitution apply. Residents of American Samoa are not United States citizens. They are United States nationals who can freely enter the United States and work or reside anywhere they choose. Children born in the Territory to foreign parents become citizens of either the mother's or the father's country of origin, not United States nationals.[5] American Samoans may not vote in the United States general election, but are permitted to participate in presidential primaries and caucuses.

6. The Constitution of American Samoa, adopted in 1960, was revised in 1967 and subsequently amended in 1970 and 1977. Any amendments or modifications to the Constitution of American Samoa (as approved by the Secretary of the Interior) may be made only by an Act of the United States Congress.

7. The Territory's Constitution provides for separate executive and legislative branches and an independent judiciary. The executive branch comprises a Governor and a Lieutenant-Governor elected for four-year terms by universal adult suffrage. All American Samoans over 18 years of age are eligible to vote. The Governor is responsible for executing both American Samoan and United States laws and has veto power with respect to legislation passed by the Fono, the American Samoa Legislature.

8. In 1978, the people of American Samoa for the first time elected the Governor. The current Governor is Togiola T. A. Tulafano, who was elected in 2004. His term will expire in November 2008, when the next elections are held. In February 2007, the American Samoa Senate Judiciary Committee began to review questions, such as the joint election of the governor and lieutenant governor, and their respective qualifications, such as holding a traditional chiefly title.[6] On a separate issue, in November 2006, objections were filed with the Territorial Registrar's Office contesting Governor Togiola's succession claim to the paramount chief title, Leiato. Paramount chief titles are the highest in the local "matai" system. The Leiato title is one of seven local paramount chief titles and has been vacant for nearly a decade.[7]

9. The Fono is a bicameral legislature, which comprises an 18-member Senate whose members are chosen by 14 tribal councils, and a 21-member House of Representatives, 20 of whom are elected by popular vote and one of whom is appointed as a non-voting delegate from Swains Island. For the first time in Fono history, in 2007 two women are sitting in the House.[8] Only a matai, the traditional chief of an extended family, can become a senator. Senators hold office for a four-year term and representatives for a two-year term. The Fono may pass laws with respect to all local affairs, provided its laws are not inconsistent with United States laws in force in the Territory or with United States treaties or international agreements.

10. Since 1981, American Samoa has elected by direct vote a delegate to the United States House of Representatives for a two-year term. The delegate may vote only in committees. The current delegate is Congressman Eni F. H. Faleomavaega, who is serving his tenth consecutive two-year term. On 7 November 2006, the

[5] BBC Monitoring Asia Pacific, 27 September 2002.
[6] *Samoa News*, 14 February 2007.
[7] *Samoa News*, 22 November 2006.
[8] *Samoa News*, 13 November 2006.

Congressman was re-elected. Of the total 11,038 votes counted in the November 2006 congressional race, the incumbent received 5,196 votes (47.1 per cent).[2]

11. The judiciary system consists of the High Court, with the Chief Justice and the Associate Justices appointed by the United States Secretary of the Interior, and the local district and village courts, with the judges appointed by the Governor. The current Chief Justice is the first native Samoan to be appointed to the position. The High Court is separated into Appellate, Trial and Land and Titles divisions. Since American Samoa is not part of a United States federal judicial district or circuit, there are no statutory provisions for appealing decisions of the High Court to a federal district court.[2] American Samoa laws are textually identical to United States laws ("mirror laws"), where all references to the United States are substituted by references to American Samoa.

12. The question of whether federal laws are applicable to the Territory and whether decisions affecting numerous issues in the Territory may be taken at the federal level continues to be discussed. For instance, as reported in previous working papers, in 1996 an attempt by the territorial Government to launch a garment manufacturing sector involving foreign workers led to the investigation by the Honolulu regional office of the Federal Bureau of Investigation and conviction of the owner of the Daewoosa factory, as announced by the Department of Justice in Washington, D.C., in June 2005 (see A/AC.109/2006/7, para. 30). According to the administering Power, the defence appealed the conviction and sentence claiming that the District Court of Hawaii lacked jurisdiction and that the District of Hawaii was an improper venue. In December 2006, the Ninth Circuit Court of Appeals in San Francisco, California, ruled that the District Court for the District of Hawaii had jurisdiction over federal crimes committed in American Samoa, and affirmed the lower court's conviction and judgement of the former factory owner.[2] Following a decision by the Ninth Circuit Court of Appeals in February 2007 to deny a rehearing *en banc*[9] on a rejected appeal filed by the former Daewoosa Samoa owner, his attorney said that he would take the matter to the United States Supreme Court.[10]

13. The Future Political Status Study Commission was established under the Territory's Public Law 29-24, which was approved by the legislature and signed into law by the Governor on 19 April 2006. The 11-member Commission was chaired by the District Governor of the Manu'a Islands, who was appointed by the Governor. The Commission's first meeting was held on 5 June 2006, followed by others, including on fact-finding missions during the second half of the year. The Commission's goal was to study alternative forms of political status practices in the Territory's relationship with the United States and to recommend its findings on the best practice for American Samoa and its people. The ultimate decision on status is to be made by the people of American Samoa.[11,12]

14. In his testimony to the Commission, Congressman Faleomavaega stated that the Commission had examined several political status options, including free

[9] An *en banc* court refers to a session in which the entire membership of the court, rather than the regular quorum, participates in a decision.

[10] *Samoa News*, 1 March 2007.

[11] http://www.asg-gov.net/fpssc/fpssc_commission.htm (2006).

[12] Malama TV News, 30 August 2006 and 7 February 2007.

association, commonwealth and independence.[13] According to the Vice-Chairman of the Commission, the commonwealth option would involve a covenant with the United States that would grant American Samoans United States citizenship and protect their lands, whereby only natives could buy and control land and the influx of foreign immigrants, Samoan citizens not included, would be controlled.[14]

15. At the United Nations Pacific regional seminar on the implementation of the Second International Decade for the Eradication of Colonialism: priorities for action, held in Yanuca, Fiji, from 28 to 30 November 2006 by the Special Committee of 24, Lieutenant Governor Ipulasi Aitofele Sunia said that the position of the people of American Samoa and its duly elected legislative representatives and government officials was that the current relationship of the Territory and the United States Government was the desirable one. American Samoans again asked that the Territory be de-listed as a colony of the United States by the United Nations where it has been identified as "non-self governing". He said that "one size does not fit all" and that American Samoa did not see itself as belonging to that group. The Lieutenant Governor said:

> "It is important to the Committee to be sensitive to the desires of the local people within the identified 'territories' of the world. It is a question of self-determination, and each individual situation needs to be viewed according to the desires of the local population. Colonization was a world concept that only has real meaning when the issue of self-determination is understood relative to the people directly involved."

The speaker went on to say that it had been made clear that the Territory preferred the current status; it was independent within a federalized system of self-governing states and territories.[15]

16. The report of the Future Political Status Study Commission was submitted to Governor Togiola on 5 January 2007. The Chairman of the Commission said that the report comprised nearly 80 pages and consisted of four sections, including one on the formation and role of the Commission; information gathered from fact-finding trips to the United States mainland, Samoa, the Manu'a Islands, and three other South Pacific island nations; and recommendations by the Commission and its members for the Governor and the people to consider. The recommendations of the Commission were not immediately made public, purportedly to allow time for traditional leaders and the territorial Government to review the report. Copies of the report are expected to be made available to the Fono[11] and the public.[16]

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[13] Congressman Faleomavaega testified before the American Samoa Political Status Commission in September 2006 at Brigham Young University-Hawaii in Laie, Hawaii, Malama TV News, 2 October 2006.

[14] *Samoa News*, 27 November 2006.

[15] The full text of the statement by Lieutenant Governor Ipulasi Aitofele Sunia is contained in PRS/2006/CRP.10, which is available at http://www.un.org/Depts/dpi/decolonization/regional%20seminar_main.htm.

[16] *Samoa News*, 6, 8 and 11 January 2007.

III. Budget

17. The budget of the Government of American Samoa consists of federal support and locally generated revenue. In the Territory's traditional communal system, leaders are responsible for the preservation of the social order as well as the economic welfare of the extended family. The federal Government underwrites most of the cost of preserving this system. This affiliation contributes to allowing the United States to have access to and use the Territory for defence and other purposes. According to the report released by the United States Government Accountability Office in February 2007, the Department of the Interior could be doing more to assist the insular areas, including American Samoa, with long-standing financial and programme management deficiencies. For 2008, the Office of Insular Affairs of the Department of the Interior allocated nearly $23 million in discretionary funding, which provides essential assistance to the territorial Government in its efforts to provide basic services of health care, education, public safety and support for the judiciary.[17]

18. The budget of the territorial Government for the fiscal year 2005/06, which started on 1 October 2005, was $280 million. Of that amount, $66 million came from local revenues, with taxes providing $52 million, $23 million came from Department of the Interior grants, $86 million came from special federal grants, and $95 million came from enterprise funds. The budget for 2005/06 was 5 per cent higher than that for the 2004/05 fiscal year.[2]

19. During 2006, American Samoa saw the highest number of home loan approvals under the Governor's home loan programme, funded by United States Department of Housing and Urban Development, involving more than $1 million for new and rehabilitated homes. Over the next five years, the territorial Government will aim at bringing in another $1 million under the newly established affordable housing programme for the most needy.[18]

20. In January 2007, the territorial Government stated that the Territory had a positive fund balance, with fiscal policies in place to ensure the effective and efficient delivery of services. During the past few years, American Samoa has made efforts to improve accountability, economic development and diversification as well as good governance. At the same time, the territorial Government completed its audits for 2005 on time.[18,19]

IV. Economic conditions

A. General

21. American Samoa's 2005 gross domestic product (GDP) was estimated at $333 million and per capita GDP at $5,800.[4] The American Samoa Economic Advisory Commission's report of April 2002 stated that for the past 50 years, the composition of the Territory's economic structure had remained virtually unchanged

[17] *Pacific Magazine*, February 2007; and *Samoa News*, 10 and 28 February 2007 and 1 and 19 March 2007.

[18] State of the Territory address before the 30th legislature, first regular session, 8 January 2007.

[19] *Samoa News*, 5 October 2006 and 9 January 2007.

and that its economic development had been persistently stagnant. Elements of a market economy had evolved, and many in American Samoa had expressed concern that changes in the economy would ultimately be harmful to the Samoan people, its culture and way of life.[2,20]

22. Over 90 per cent of American Samoa's economy is maintained by United States federal expenditures and the canning industry. Tuna fishing and processing are the backbone of the private sector. Approximately 7 per cent of the economy comprises a small tourism industry and a few businesses that sell exclusively to the local market. As acknowledged by the Governor in early 2007, unemployment posed a serious problem in American Samoa.[4,21]

23. The largest trading partner of American Samoa is the United States, followed by New Zealand, Australia and Fiji. Canned tuna accounts for almost 100 per cent of exports.[2] Some 90 per cent of goods and products are imported, including food and petroleum products, machine parts, building materials, textiles and clothing.

24. A report by the Office of Insular Affairs, sent to the Governor in late December 2006, examined five areas with respect to improving the Territory's private sector, and thereby the local economy. The key areas cited in the report, entitled "A Private Sector Assessment for American Samoa" include the business climate, the legal system, the financial system, land rights and infrastructure.[22] In its 2002 report, the American Samoa Economic Advisory Commission set out a multi-year plan with the goal of transforming the composition of American Samoa's economy so that a more diverse private sector becomes the driving force of a self-sustaining market economy (see A/AC.109/2003/12, para. 16).[20]

B. Agriculture and fisheries

25. Agriculture, hunting and forestry employ less than 3 per cent of the population and provide little surplus for export. The most important crops include taro, coconuts, bananas, oranges, papayas, breadfruit and yams. According to the Department of Agriculture, at present, the Territory covers 95 per cent of its food needs through imports. Prospects for agricultural development are limited owing to the small amount of land suitable for cultivation.[2]

26. The territorial Government stated that local farmers supplied locally raised produce valued at $886,000. In 2007, the Government intended to help the farmers by providing a blight-proof taro species, fertilizer, seeds and pesticides at a subsidized rate.[18]

27. The fishing industry constitutes 90 per cent of the Territory's economy and employs between one third and one half of its workforce, depending on the source of information.[4,23] American Samoa's tuna industry is the fourth largest in the world. It is argued that the future viability of the industry in the Territory depends on its continued tax exemption and competitive wage scales.[23] Also, as previously

[20] "Transforming the economy of American Samoa", a report to the President of the United States of America through the Secretary of the Interior, submitted by the American Samoa Economic Advisory Commission (April 2002) vol. I, The Plan, Executive Summary.

[21] *Samoa News*, 5 February 2007.

[22] *Samoa News*, 29 January 2007 and 13 February 2007.

[23] *Samoa News*, 28 February 2007.

reported, the Government is concerned that the phasing out of tariff barriers to other tuna-processing countries through the Andean Trade Preference Act and the Association of Southeast Asian Nations could devastate the Territory's tuna industry (see A/AC.109/2006/7, para. 19).

28. The United States Congress Tax Relief and Health Care Act of 2006 provides American Samoa's canneries with a two-year extension of the Internal Revenue Service's 30A tax credits. On its part, the OIA has awarded the territorial Government a $150,000 grant to conduct a study about the impact on the local economy, especially employment, and the quality of life, should the canneries shut down. The Governor has called for community support of and cooperation with the study exercise.[2,24]

C. Tourism

29. American Samoa features superb scenery and some of the finest white sandy beaches and coral reefs in the region and is considered the traditional birthplace of Samoa with archaeological sites, most of which are unexcavated. Beautiful mountain views and beach walks on the Manu'a Islands are protected by National Park regulations with few developments, if also little tourist infrastructure.[25]

30. As previously reported, American Samoa seeks to privatize tourism that is community responsive. In 2005, cruise ships brought some 6,500 visitors to the Territory, which increased short-term seasonal employment and opportunities for sales of local arts and handicrafts, but land-based tourism is limited (see A/AC.109/2006/7, paras. 21 and 22).

31. American Samoa has several hotels and motels with a total of 260 rooms in Tutuila and Manu'a.[2] In 2007, American Samoa prepares to host the 2008 Pacific Arts Festival.[18]

D. Transport and communications

32. There are approximately 180 kilometres of public and primary paved roads and 235 kilometres of secondary village roads in American Samoa. The highway system is generally in poor condition owing to the effects of hurricanes, the age of the roads and inadequate maintenance.[2]

33. Pago Pago harbour is an all-weather deep-draught harbour, one of the best natural deepwater harbours in the South Pacific Ocean, and is of strategic importance in the region. The main dock is 1,000 feet long, handling ships of up to a 32-foot draught. Pago Pago harbour provides the full complement of equipment and facilities and has a ship repair facility with a 3,000-ton marine railway.[4]

34. There are four airports in the Territory situated on the islands of Tutuila, Ofu, Olosega and Ta'u. Pago Pago International Airport is owned and operated by the territorial Government. The envisaged federally funded construction of a temporary

[24] *Samoa News*, 20 and 28 February 2007 and 1 and 19 March 2007.
[25] http://www.pacific-travel-guides.com, 12 May 2006.

airport tower has not materialized owing to a decision by the Federal Aviation Administration to close tower operations in September 2005.[2,26]

35. In March 2007, the Governor petitioned the United States Department of Transportation to convene a federal committee for the purpose of reviewing Hawaiian Airlines' monopoly-like activities in the American Samoa market.[27]

36. The Territory's main airport is regularly served by a number of airlines that link American Samoa with Hawaii and the United States mainland and other countries in the South Pacific. Within the Territory, Inter-Island Airways flies regularly to the islands of Ofu, Olosega and Ta'u.[2,18]

37. The Territory has four radio stations; a Government-owned and a privately owned television station, three privately owned newspapers and a private company offering telecommunications services. Internet access is provided by the American Samoa Telecommunications Authority, a semi-autonomous government agency.[2,28]

38. In early 2007, the territorial Government stated that competition in the telecommunication sector had resulted in the lowest rate for wireless communication and Internet that the Territory had ever seen. Also, American Samoa entered the North American numbering plan in April of 2005, resulting in the Territory's lowest long distance rates ever.[18] The budget of the Office of Insular Affairs for fiscal year 2008 includes $3 million to help develop a fibre-optic cable for American Samoa by the beginning of 2008.[29] With the arrival of fibre-optic cable in the near future, the Government expects an even more robust telecommunications market, with burgeoning services for personal and business communications.[18]

E. Water, sanitation system and utilities

39. The American Samoa Power Authority, which is Government-owned, provides water, wastewater, solid-waste and electric services to customers on five of the seven islands. The Authority provides drinking water to 90 per cent of the Territory from 57 wells, with the remaining part being serviced by outer-village systems.[2] In 2007, the territorial Government stated that the American Samoa Power Authority continued to provide reliable and cost effective utility services for the Territory, even if it depended 100 per cent on the supply of diesel fuel.[18]

40. During 2006 and 2007, Utulei, Gataivai and some residents in Pago Pago were affected by low water pressure and water shortages, with the severest situation prevailing in Utulei, allegedly since 2003/04. In early 2007, water shortages there were being caused by a number of factors, including the refilling of large vessels, such as cruise ships, the closing of wells in Aua, the closing of a tainted micro filtration tank in Fagatogo and high water demand from canneries in Satala.[30]

[26] http://www.house.gov., 8 December 2006.
[27] *Samoa News*, 6 and 17 March 2007.
[28] http://www.malama.tv, 22 March 2007.
[29] *Samoa News*, 6 February 2007.
[30] *Samoa News*, 15 and 20 February 2007.

V. Social conditions

A. General

41. Long before the 1700s, when the Western world first came to know of the Samoan Islands, their inhabitants practiced a way of life that had been handed down through the generations for more than 2,000 years. The Samoans call their way of life "fa'asamoa". It is based on the notion of mutual respect and sharing among the "aiga" or extended families, each featuring a common allegiance to a matai. The Samoans' way of life influences every aspect of the Territory's socioeconomic fabric.[2,20]

42. As mentioned section III of the present working paper, the traditional communal system prevalent in American Samoa contributes to preserving the social order and promoting economic welfare. At the same time, efforts are being made by the territorial Government, for instance by the judicial system, to reach out to traditional leaders. Such efforts are addressed in section E below. Also, staff members of the Department of Human and Social Services from the Prevention, Victims of Crime Advocacy, Family Support Services and the Crisis Intervention Units are being trained as facilitators and prevention specialists for a new programme entitled "Strengthening American Samoa Families". The curriculum seeks to reinforce core values such as harmony (lokahi), caring (malama), cooperation (laulima) and responsibility (kuliana) that are said to have held American Samoa's extended families together for generations.[31]

B. Labour and immigration

43. The Territory's unemployment rate was estimated by different sources to be from 12 per cent to almost 30 per cent (2005/06), reflecting a drastic turn for the worse over the past half decade.[2,4] Statistics for 2000 put the unemployment rate at 6 per cent.[4]

44. In 2006, the total labour force consisted of over 17,600 workers, about one third of whom are aliens, mostly from Samoa. The largest private employer is the cannery industry, which employs about one third of the workforce, as does the territorial Government, which has approximately 5,900 persons on the payroll.[2,4] The remaining one third of workers is in the secondary economy, which provides goods and services to the canneries and consists mainly of retail and service enterprises.

45. According to the administering Power, as of October 2005, hourly wages were as follows: Government employees — $2.91; fisheries — $3.26; and shipping and transportation — $4.09.[2] Wages in the Territory are set not by federal law but by the recommendation of the Special Industry Committee, appointed by the United States Department of Labor, that reviews economic conditions every two years and establishes minimum wages by industry under the Fair Labor Standards Act. The next review by the Special Industry Committee has been set for June 2007.[32] A Fono resolution conveying the support of American Samoa's lawmakers for the efforts by

[31] *Samoa News*, 19 January 2007.

[32] *Samoa News*, 5 and 9 February 2007.

the Governor and Congressman Faleomavaega to exclude American Samoa from a United States minimum wage increase bill before Congress was transmitted to several members of Congress in January 2007.[33]

46. Governor Togiola has sought money from the federal Government to fund a study to determine whether American Samoa has the workforce to address the needs of businesses that want to set up there.[34]

47. After the installation of the fibre-optic cable mentioned above, which is supported by the Office of Insular Affairs, investors interested in setting up a call centre in Pago Pago would initially create 200 to 300 jobs.[29]

48. With respect to immigration, as previously reported, American Samoa has its own laws, and entry into the Territory by foreigners is not the same as entry into the United States. In 2003, a new Immigration Law of American Samoa came into force, giving the Attorney General, instead of a Government-appointed board, full authority over granting eligibility. This change allows many individuals who reside in the Territory for a long period of time to acquire permanent resident status.[35]

49. In early 2007, the territorial Government stated that it was working on a number of immigration initiatives regarding domestic helpers, permanent residents and resident aliens, which would help alleviate the pressure placed upon both the individuals affected and the Territory's immigration authorities.[18,36]

C. Education

50. Education in American Samoa is compulsory from 6 to 18 years of age. The educational system is broadly based on that of the United States. There are 29 public schools, 6 private schools and 161 village schools. The American Samoa Community College offers two-year degree courses in arts and sciences and programmes offering certificates of proficiency in vocational and clerical skills, business and nursing and affords enrolled students scholarship and financial aid opportunities. San Diego State University offers bachelor's and master's degree programmes in Tutuila, which enable students to obtain an advanced college degree without moving from the Territory. American Samoa has a literacy rate of 97 per cent (2004).[2]

51. In January 2007, the territorial Government announced that the state of education in the Territory is strong and was improving. Scores from the latest Stanford Achievement Test, tenth edition, showed that students had improved during 2006 in the subjects of reading, mathematics and science. The Territory's Department of Education is piloting a standards-based assessment which would be administered in the latter part of the 2007 school year. The locally developed assessment mechanism is expected to present a more accurate picture of the progress made by the schoolchildren.[18]

[33] *Samoa News*, 1 and 2 February 2007; and http://www.house.gov., 1 March 2007.
[34] *Samoa News*, 21 March 2007.
[35] *Samoa News*, 4 February 2003.
[36] *Samoa News*, 22 March 2007.

52. For 2007, the Department of the Interior funded three full scholarships for American Samoa high school students to attend the Junior Statesmen Summer School at prestigious American university campuses.[37]

53. In the last quarter of 2006, allegations of personnel malfeasance and other issues within the Department of Education were being investigated by the offices of the Governor and the Attorney General. The head of the Department of Education, the Director of Education, resigned in December 2006, was incarcerated, and released from federal prison on 4 March 2007. The controversy related to the Department continued in early 2007 over the appointment of its financial officer.[38]

D. Public health

54. The estimated life expectancy in the Territory for 2006 was 76 years (72 years reported for 2004), with male life expectancy at 72 years (69 years reported for 2004) and female life expectancy at 80 years (76 years reported for 2004). The annual birth rate was estimated at 22 per 1,000 population (27 births/1,000 reported for 2004) and the annual death rate at 3 per 1,000 population (4/1,000 reported for 2004). The fertility rate was estimated at 3 children per woman (4 reported for 2004).[4]

55. The main hospital in the Territory, the Lyndon Baines Johnson Tropical Medical Center, has 150 beds and a staff of 25 physicians. Medical, dental and pharmaceutical services in the Territory are available 24 hours a day. For serious cases, off-island treatment, including hospitalization in Hawaii or on the United States mainland, is provided.[2] In early 2007, the hospital continued to attract media attention over the poor quality of its infrastructure and safety and service conditions. At the same time, the hospital has hired a new chief financial officer.[39]

56. The territorial Government stated that the programme seeking health-care coverage for all American Samoans, which is managed by the Governor's Office, was coming to a close in 2007. The outgoing programme would recommend a combination of new health-care programmes and financial reforms, including new forms of finance, that were expected to help provide health-care coverage for every person in the Territory. Moreover, the territorial Government will propose legislation in 2007 to prohibit smoking on commercial buses.[18]

E. Crime

57. On 9 February 2007, the American Samoa Senate passed a bill, which will go to the House for consideration, to extend the pilot Family, Drug and Alcohol Court as a division of the High Court for an additional three years. The pilot Court was first established by law in 2000 and last extended in 2004. When the law expired on 1 October 2006, the Secretary of the Interior had not given approval for the Family, Drug and Alcohol Court to become a permanent division of the High Court. Under the pilot programme, the Court has helped reduce recidivism to 10 per cent in the past two years. The Court has heard, adjudicated, monitored and ordered probation

[37] *Samoa News*, 9 February 2007.

[38] *Samoa News*, 21 December 2006, and 28 February 2007 and 7 March 2007.

[39] *Samoa News*, 27 February 2007 and 6 and 13 March 2007.

in 1,100 cases of public peace disturbance and domestic violence. More than 90 per cent of those cases were alcohol related. The Court worked with others, such as the Department of Human and Social Services, to provide counselling and other services to the offenders. In addition to professional counselling, family members or authority figures, such as a church minister or a matai, were sometimes brought to the Court to help with mentoring and monitoring those placed on probation, which was a successful approach.[40]

58. In early 2007, the territorial Government proclaimed that the protection of children was one of the most important tasks of the administration, and that it would propose legislation which mandates a life sentence for any person who sexually abuses a child.[18]

59. Regarding judicial matters, the Chairman of the United States House Committee on Natural Resources requested the Government Accountability Office to study all aspects of the judiciary system in American Samoa, including whether or not American Samoa should have a federal district court with limited jurisdiction or whether to confer federal jurisdiction on the High Court of American Samoa to hear those types of cases. Moreover, the Government Accountability Office would review how the Department of the Interior administers the Territory where there are conflicting issues on the right to matai titles and communal lands, which comprise some 90 per cent of the Territory. Reportedly, the Government Accountability Office has confirmed that it intends to conduct the study of the local judiciary system in 2007.[4,41]

VI. Environmental protection and disaster preparedness

60. The American Samoa Environmental Protection Agency and the Department of Treasury recently signed a memorandum of understanding that is expected to strengthen the two entities' fight to stop the importation of illegal pesticides and non-conforming vehicles into American Samoa.[42]

61. With regard to all-hazard emergency preparedness and security matters, Governor Togiola has established a local department of homeland security made up of the Territorial Office of Homeland Security, the Territorial Emergency Management Coordination Office, the Office of Vital Statistics and the Office of Territorial and International Criminal Intelligence and Drug Enforcement, whose head is the interim acting director of the new American Samoa Department of Homeland Security. The new department is to provide the overall coordination and administration of efforts to be funded by the United States Department of Homeland Security. Furthermore, the Department's functions include coordinating and consolidating the efforts of its component entities into a coherent whole that supports the overall purposes of all-hazard preparedness, response, detection, deterrence, prevention and enforcement.[42]

62. A financial management division of the American Samoa Department of Homeland Security has been established to oversee money matters for the newly created agency, while the Department of Treasury is providing revenue to pay

[40] *Samoa News*, 12 February 2007.
[41] *Samoa News*, 2 February 2007.
[42] *Samoa News*, 8 February 2007.

salaries for employees of the Territorial Office of Homeland Security and the Territorial Emergency Management Coordination Office. Federal grants for the Territorial Office of Homeland Security and the Territorial Emergency Management Coordination Office have been frozen and are expected to remain so until the federal Government's concerns over the financial management of local programmes have been addressed. A report by the Office of the Inspector General of the United States Department of Homeland Security says that grant monies have been diverted and used for purposes other than those intended, questioning $1.7 million in spending from 2002 to 2004. In March 2007, the director of the Territorial Emergency Management Coordination Office was arraigned on 70 counts, including embezzlement, criminal fraud and falsifying information.[43]

63. On the subject of communications capabilities in time of disaster conditions, a report released by the United States Department of Homeland Security ranked American Samoa among the worst areas studied. The report points out that since 2005, no additional federal grants had been allocated for interoperable communications planning. The report recommends, inter alia, to clarify federal membership in the Governor's Territorial Emergency Communications Committee, which includes both American Samoa and federal agencies, and to document their respective responsibilities. Subsequently, the United States Department of Homeland Security established a review committee to study, among other things, the report that had ranked American Samoa among the worst with regard to disaster readiness.[44]

VII. Relations with international organizations and partners

64. American Samoa has been an associate member of the United Nations Economic and Social Commission for Asia and the Pacific since 1988. The International Labour Conventions and the International Labour Recommendations are applicable to it (see E/2006/47). The Territory belongs to various regional bodies of the United Nations system, including the World Health Organization (WHO), the Regional Office for the Western Pacific and the WHO Pacific Regional Centre for the Promotion of Environmental Planning and Applied Studies.

65. American Samoa is a member of several regional organizations, including the South Pacific Commission, the Pacific Basin Development Council, the Pacific Tuna Development Foundation, the Pacific Islands Association, the Asian-South Pacific Bureau of Adult Education, the Pacific Asia Travel Association, the South Pacific Regional Environment Programme, the South Pacific Applied Geoscience Commission and the Council of Pacific Arts. It also belongs to such United States organizations as the National and Western Governors' Conferences. The Government of American Samoa has signed memorandums of understanding with the Governments of Samoa and Tonga on mutual economic cooperation and has sent trade missions to a number of countries in the Pacific region.

66. In 2006, American Samoa withdrew its application to the Pacific Islands Forum for observer status following opposition from the United States Department of State. Congressman Faleomavaega protested the State Department's position that

[43] *Samoa News*, 22 and 24 February and 14 and 19 March 2007.

[44] Associated Press, 3 January 2007; and *Samoa News*, 5 January 2007 and 27 February 2007.

when American Samoa applied for observer status in the Forum it had not followed proper procedure since it had not applied through Washington, D.C. The Congressman said he was hopeful that by following United States protocol, the American Samoan Government would be able to join the Forum as an associate member in 2007.[45]

VIII. Future status of the Territory

A. Position of the territorial Government

67. Section II of the present working paper reflects developments concerning the review by American Samoa of its future political status that was carried out in 2006. In that regard, the Lieutenant Governor of American Samoa, in his address to representatives of the Special Committee of 24 at the 2006 Pacific regional seminar, presented information on the review process, which is also reflected in that section.

B. Position of the administering Power

68. In a letter dated 2 November 2006, addressed to Congressman Faleomavaega, Jeffrey T. Bergner, Assistant Secretary of State for Legislative Affairs, outlined the position of the United States Government on the status of American Samoa and other United States Insular Areas. In his letter, the Assistant Secretary noted that the status of the Insular Areas regarding their political relations with the federal Government were internal United States issues and not those of the Special Committee of 24. The letter also noted that the Special Committee of 24 had no authority to alter in any way the relationship between the United States and those Territories and no mandate to engage the United States in negotiations on their status. The letter further stated that at the same time, in accordance with its obligations under the Charter of the United Nations to provide regularly to the United Nations statistical and other information of a technical nature relating to the economic, social, and educational conditions in the territory, the federal Government did submit annual updates on United States Territories to the Special Committee of 24 as a demonstration of United States cooperation as an administering Power. The annual reports were also an opportunity to correct any errors in information the Special Committee of 24 might have received from other sources. The letter also pointed out that the General Assembly had agreed in 1960 to a set of principles governing whether a territory was non-self-governing and that the United States was to provide the Special Committee of 24 with information showing that those principles had been satisfied before the Committee would agree to de-list an Insular Area.[46]

69. Addressing the General Assembly at its sixty-first session on 22 December 2006 in explanation of vote after the adoption of resolution 61/231 on the implementation of the Decolonization Declaration by the specialized agencies, the United States representative stated inter alia the following:

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[45] Radio New Zealand International (18 and 26 October 2006); radio Australia, http://www.abc.net/au/ra, 19 October 2006.

[46] *Samoa News*, 7 November 2006.

"The very term 'non-self-governing' seems inappropriate for territories able to establish their own constitution, elect their own public officers, have representation in Washington, D.C., and choose their own economic path. The United States was fully supportive when countries chose independence, and was proud to welcome them as equal and sovereign partners. In the case of territories that did not choose independence, however, the United States has also supported the right of people in those territories to a full measure of self-government, including the rights to integration and free association. The United States calls upon all Member States to respect the choices made by residents of non-self-governing territories".

C. Action by the United Nations

70. On 14 December 2006, the General Assembly adopted with a vote of 173 to none, with 4 abstentions, resolutions 61/128 A and B. Section I of resolution 61/128 B concerns American Samoa.